


CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington D.C. 20231, on December 2, 2002.




Michelle Y. Walker

12/02/2002
Date

RECEIVED

DEC 11 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TECH CENTER 1600/2900

In Re Application of:

Miller *et al.*

Attorney Docket No.: 34639-20009.00 (0109-UTL)

Serial No: 10/020,450

Art Group: 1614

Filed: December 14, 2001

Examiner: P. Spivak

Title: Composition & Methods for the Prevention & Treatment of Cerebral Ischemia

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT

Transmitted herewith for filing in the above identified Application, under 37 C.F.R. 1.97, are an Information Disclosure Statement and completed PTO Form 1449, along with referenced documents A1, B1-B3, and C1-C4. Also included is a Return Receipt Postcard.

Identification of Time of filing the Information Disclosure Statement and any Required Certification or Petition

- ☐ The Information Disclosure Statement is being submitted: (a) within three (3) months of the filing date, or (b) before the mailing date of a first Office action on the merits. **Therefore no fee is due or certification is required under 37 C.F.R. 1.97 (b).**
- ☒ The Information Disclosure Statement is being submitted more than three (3) months after the filing date and after the mailing date of the first Office action on the merits, but before a final action under § 1.313 or a notice of allowance under § 1.311, whichever occurs first. The undersigned hereby certifies under 37 C.F.R. 1.97(e)(1) that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office on a counterpart foreign application not more than (3) months prior to the filing of the Information disclosure Statement. The mailing date of the communication from the foreign patent office was August 30, 2002, therefore the three month due date would have been November 30, 2002, this date falling on a Saturday, making the due date Monday, December 2, 2002. **Therefore, no fee is due under 37 C.F.R. 1.97 (c).**

- [] The Information Disclosure Statement is being submitted more than three (3) months after the filing date and after the mailing date of the first Office action on the merits, but before a final action under § 1.313 or a notice of allowance under § 1.311, whichever occurs first. The undersigned hereby certifies under 37 C.F.R. 1.97 (e) (2) that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a foreign counterpart application, or to undersigned's knowledge after making reasonable inquiry, was known to any person designated in §1.56 (c) more than (3) three months prior to the filing of the Information Disclosure Statement. **Therefore, no fee is due under 37 CFR 1.97 (c).**
- [] The Information Disclosure Statement is being submitted after the mailing date of a final action under § 1.313 or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with, payment of the issue fee.
- [] The undersigned hereby certifies under 37 C.F.R. 1.97(e)(1) that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office on a counterpart foreign application not more than three (3) months prior to the filing of the Information Disclosure Statement.
- [] Applicant(s)' attorney hereby certifies under 37 C.F.R. 1.97(e)(2) that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a foreign counterpart application, or, to the undersigned Attorney's knowledge after making reasonable inquiry, was known to any person designated in §1.56 (c) more than (3) three months prior to the filing of the Information Disclosure Statement.

2. Fee calculation and Deposit Account Authorization

- [] The Information Disclosure Statement is being submitted more than three (3) months after the filing date and after the mailing date of the first Office action on the merits, but before a final action under § 1.313 or a notice of allowance under § 1.311, whichever occurs first, without certification under 37 C.F.R. 1.97(e). Therefore, *only if this entry is checked in the left margin*, the **\$ 180.00** fee set forth in §1.17 (p) is authorized below.


Applicant(s) hereby petition requesting consideration of the Information Disclosure Statement. *Therefore only if this entry is checked in the left margin*, the **\$180.00** petition fee set forth in § 117(i) is authorized below

- [] Please charge \$ 180.00 to Deposit Account No. **50-2247**

- [X] The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2247. This is not however, an authorization to pay the issue fee.

The Examiner is respectfully requested to consider these documents and to make them of record in the subject application.

Respectfully submitted,



Carol Stratford
Agent for Applicants
Registration No. 34,444

Galileo Laboratories
5301 Patrick Henry Drive
Santa Clara, CA 95054
Telephone No. (408) 654-5830 ex. 237

Date: December 2, 2002